

## **REMARKS**

### **I. Formal Matters.**

Subsequent to entry of the foregoing amendments, original claims 1-22 are hereby cancelled, and new claims 23-36 are currently pending in this application. As an initial matter, Applicant thanks the Examiner for acknowledging the claim to priority under 35 U.S.C. §119, and for confirming receipt of a certified copy of Applicant's Japanese priority document. In addition, Applicant appreciates the Examiner's indication of the acceptability of the drawings as filed with the application papers on November 13, 2001.

### **II. Specification.**

The Examiner objects to the Abstract of the Disclosure as being unduly long. Via the foregoing amendments, the Abstract is amended to overcome the objection. Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

### **III. Claims.**

The Examiner rejects claims 1-3, 5-8, 11-13 and 15-18 as allegedly being anticipated by *Petersson* (U.S. Patent No. 6,567,670) under 35 U.S.C. §102(e).

Claims 1-3, 5-8, 11-13, and 15-18 are cancelled via this amendment without prejudice or disclaimer.

The Examiner rejects claims 4, 9, 10, 14, 19 and 20 as allegedly being unpatentable over *Petersson* as applied to claims 1 and 11 above, and further in view of *Janky, et al.* (U.S. Patent No. 5,790,527) ("*Janky*") under 35 U.S.C. §103(a).

Claims 4, 9, 10, 14, 19, and 20 are canceled via this amendment without prejudice or disclaimer.

New claims 23 and 29 are believed to be patentable for determining a control instruction depending upon reception quality values of a time slot group consisted of a plurality of time slots to provide interleaving per time slot group.

New claims 24-28 and 30-36 are asserted as being patentable at least by virtue of their dependence upon an allowable claim.

In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is kindly requested to contact the undersigned at the local telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.111  
U.S. SERIAL NO. 09/986,868

ART UNIT 2664  
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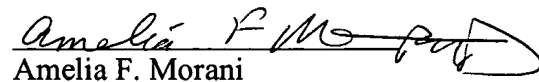
Respectfully submitted,

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